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# Mendel Biotechnology, Inc.

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To: U.S. PATENT AND TRADEMARK OFFICE USPTO Central Facsimile Number ATTN: Douglas I. Wood, Petitions Branch	Facsimile: (703) 872-9306 Telephone: (571) 272-3231
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From: Jeffrey M. Libby, Reg. No. 48,251

Date: February 1, 2005

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 1, 2005.

Typed or Printed Name: Jeffrey M. LibbySignature: **This submission includes:**

1. Response to request for copy of certificate
2. Copy of postcard mailed August 5, 2002, showing mailing of Certificate under 37 CFR 3.73(b), date-stamped August 13, 2002; and
3. Statement under 37 CFR 3.73(b), for US Patent Application 09/713,994

**Comments:**

At the request of Douglas I. Wood, Office of Petitions, these attachments are being transmitted for the file wrapper associated with US Patent Application 09/713,994

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/713,994 )  
In re application of: KEDDIE, James, *et al.* )  
Filed: 16 November, 2000 )  
Art Unit: 1638 )  
Examiner: KRUSE, David )  
Docket No. MBI-0022 )  
Title: Genes for Modifying Plant Traits )  
Customer No. 23678 )

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO REQUEST FOR COPY OF CERTIFICATE UNDER 37 CFR 3.73(b)**

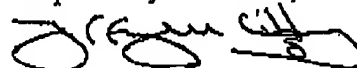
Sir:

In response to the telephonic request from the Office of Petitions of 1 February, 2005 for a copy of the Certificate under 37 CFR 3.73(b) filed 5 August, 2002 for the above-referenced patent application, a copy of this certificate, and a copy of the postcard showing the mailing and receipt of this Certificate, are attached.

Date: 1 February, 2005

Respectfully submitted,

By:



Jeffrey M. Libby, Ph.D.  
Registration No. 48,251

Mendel Biotechnology, Inc.  
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Hayward, California 94545  
Phone: (510) 259-6120  
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JML/jml

File: FaxCvr.USPTO.020105

ATTY DOCKET: 514442001900

BY ATTY:  
MRW1/Lx03INVENTORS(s): James Keddie, et al.  
USSN: 09/713,994  
FILED: November 16, 2000

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AUG 20 2002

Title: Genes for Modifying Plant Traits

MORRISON &amp; FOERSTER

DATE MAILED: August 5, 2002

1. Transmittal - 1 pg
2. Revocation of Prior Power of Attorney and Power of Attorney by Assignee  
pgs
3. Certificate Under 37 C.F.R. 3.73(b) - 1 pg
4. COPY of Assignment documents as filed - 27 pgs
5. This return receipt postcard.

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PTO/SB/96 (08-00)

Approved for us through 10/31/2002. OMB 0651-0031

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: James KEDDIE, et al.

Application No./Patent No.: 09/713,994

Filed/Issue Date: November 16, 2000

Entitled: GENES FOR MODIFYING PLANT TRAITS

MENDEL BIOTECHNOLOGY, INC., a

California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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[ ] Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

8/5/2002  
Date

Michael R. Ward (Reg. No. 38,651)

Typed or printed name

Michael R. Ward  
Signature

Signature

Attorney for Assignee

Title

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Attorney Docket No.: 514442001900